

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

2004 JUL -21 P 1:25

CIVIL ACTION NO.: 5:04-cv-306-OC-10 GRJ DISTRICT COURT  
OF FLORIDA

1/LT. JEREMY MARQUISE CARTER, F.R.A.,

Petitioner,

vs.

UNITED STATES DEPARTMENT OF JUSTICE  
Executive Office for U.S. Attorneys  
Freedom of Information/Privacy Act Unit,

UNITED STATES DEPARTMENT OF JUSTICE  
Federal Bureau of Investigation,

Respondent.

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**PETITIONER'S PETITION FOR WRIT OF MANDAMUS COMPELLING RESPONDENTS  
TO PRODUCE AGENCY RECORDS IMPROPERLY WITHHELD FROM THE PETITIONER  
NOTWITHSTANDING VARIOUS/NUMEROUS FREEDOM OF INFORMATION REQUESTS**

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Comes Now, the Petitioner, 1/Lt. Jeremy Marquise Carter, FRA, appearing this day pro se and without the aid of counsel, who respectfully petitions this Honorable Court for the issuance of a writ of mandamus directed to the Respondents, ordering the Respondents to produce agency records upon the Petitioner of which the Petitioner has diligently sought, to no avail, through the Freedom of Information Act, provided for in pertinent part by Title 5, United States Code § 552.

1

**I. STATEMENT OF JURISDICTION:**

This Honorable Court has jurisdiction under the All Writs Act, 28 U.S.C.A. § 1651, and Rule 21 of the Federal Rules of Appellate Procedure to issue the sought writ of mandamus, further provided for by Title 5, U.S.C.A. § 552(a)(4)(B), which provides in pertinent part:

"[O]n complaint, the district court of the United States in the district in which the complainant resides, or has his principle place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant."

**II. QUESTION PRESENTED:**

Whether the Respondents, United States Department of Justice, Executive Office for United States Attorneys, Freedom of Information/Privacy Act Unit and United States Department of Justice, Federal Bureau of Investigation, has failed to comply with the requirements of Title 5 U.S.C.A. § 552 by refusing to produce upon the Petitioner, agency records pertaining to the criminal conviction of the Petitioner, which were diligently and repetively requested by the Petitioner from the Respondents via the Freedom of Information Act.

If so, whether this Honorable Court should exercise Its Honorable discretion in issuing a mandamus to compel the Respondents to comply with such foregoing requests.

### **III. RELIEF SOUGHT:**

The Petitioner respectfully requests that a writ of mandamus issue, directing the Respondents, or for better words, compelling the Respondents, to furnish upon and produce upon Petitioner Carter the agency records sought diligently by Petitioner Carter via the Freedom of Information Act within a time reasonable to aid Petitioner carter in appellate review of his criminal conviction and further investigation by experts as to the validity and authenticity of various of the records in the custody of the Respondents which is herein sought.

### **IV. SUMMARY OF THE ARGUMENT:**

The Freedom of Information Act requires that information in federal agency records be made available if properly requested. In the instant cause sub judice, Petitioner Carter has properly, and furthermore, diligently sought the records at bar herein.

However, the Respondents have played "cat and mouse" games, or for better words, intellectual correspondence gymnastics, with the Petitioner, delaying and depriving the Petitioner of timely production of the records sought.

Petitioner Carter is unfortunately mentally ill. As such, there exists a heard of legal advocates at hand to assist the Petitioner in post-conviction investigation and pleading of the post-conviction matter intended. However, in order to effectively prepare and compile such pleading, the records sought are mandated

immediately, as investigators have been hired by legal advocates to review and analyze the records sought, and the preparation of the pleading itself will be completed by a New York agency, which also requires a timely review of the agency records sought.

The production of the agency records is critical to aid the Petitioner in establishing his innocence...and without those records being produced, a miscarriage of justice is anticipated.

#### **V. STATEMENT OF FACTS:**

Without indulging much detail as to the criminal conviction of the Petitioner and the merits the agency records sought bears upon such criminal conviction, Petitioner Carter asserts following facts and conclusions to aid this Honorable Court's discretion in deciding whether the issuance of a mandamus is appropriate.

1. On April 5, 2003, Petitioner Carter submitted a formal Freedom of Information Act Request, pursuant to Title 5, United States Code, Section 552, upon the United States Attorney's Office, c/o Assistant United States Attorney Jennifer Prior, at 500 South Australian Avenue, Suite 400, West Palm Beach, Florida 33401, requesting production of agency records in the custody of the United States Department of Justice, United States Attorney's Office reference matters pertinent to the criminal conviction of Petitioner Carter therein and thereupon, a copy of which is duly attached hereto as Exhibit "A", respectively.

2. Within the requisition portion of the forementioned Freedom of Information Act Request, Petitioner Carter requested the production of the following materials, which are described in corroboration at Exhibit "A", page 3 of 4:

1. Requesting copy of DISCOVERY; to include:
  - \* copy of all investigative reports from FBI and local departments
  - \* copy of crime scene reports detailing items seized from vehicle and fingerprinted by crime scene technicians
  - \* copy of statements of parties involved
  - \* copy of FBI report to wit; interview with victims
2. Requesting copy of photographic exhibits; to include:
  - \* copy of photographic exhibits of vehicle involved
  - \* copy of photographic exhibits of bank's exterior/interior
  - \* copy of photographic exhibits of documents seized
  - \* copy of handwriting exemplars taken from defendant
3. Requesting copy of SEARCH WARRANT AND AFFIDAVIT FOR WARRANT
4. Requesting copy of confession made by Jerrod Wright in regards to state case, Case # 96-6495CF-10A, brought out to counsel during the trial of this cause from the Broward County courts
5. Requesting copy of rough notes taken by FBI agent during post-arrest interview with defendant.
6. Requesting copy of inventory list of seized items and detailing location items seized were located upon seizure
7. Requesting copy of all motions filed on behalf of defendant

3. On May 22, 2003, a delegate for Robyn J. Hermann, Chief, Civil Division, of the United States Department of Justice, United States Attorney's Office for the Southern District of Florida, caused to be furnished upon Petitioner Carter, a memo indicated that Petitioner's Freedom of Information Act Request was received in the civil division of the office on May 19, 2003 and is being forwarded for processing to the FOIA/PA Unit, Executive Office for United States Attorneys, Bicentennial Building, Room 7100, 600 E Street, N.W., Washington, D.C. 20530, a copy of which is attached hereto as Exhibit "B", respectively.

4. On June 20, 2003, Maria A. O'Rourke, Assistant Director of the United States Department of Justice, Executive Office for United States Attorneys, Freedom of Information/Privacy Act Unit, forwarded the Petitioner a memorandum indicating that the Respondent United States Department of Justice has received the Petitioner's Freedom of Information Act/Privacy Act request, the request has been assigned request number 03-1788, the request will be placed in the order of which it was received and the request will be processed within a month, a copy of such memorandum which is attached hereto as Exhibit "B".

5. On September 4, 2003, Petitioner received correspondence from Paul P. Colborn of the United States Department of Justice, Office of Legal Counsel, indicating the Office of Legal Counsel found no documents within the scope of Petitioner's Freedom of

Information request of April 5, 2003, a copy of which is duly attached hereto as Exhibit "D".

6. On November 4, 2003, Petitioner received correspondence from Thomas J. McIntyre, Chief, Freedom of Information Act/Privacy Act Unit, Office of Enforcement Operations, Criminal Division, indicating the Freedom of Information Act/Privacy Act Unit was unable to search for the records requested of Petitioner's April 5, 2003 Freedom of Information Act request, a copy of which is duly attached hereto as Exhibit "E".

7. On November 17, 2003, Petitioner received correspondence from Thomas J. McIntyre, Chief, Freedom of Information/Privacy Act Unit, indicating that the Petitioner's Freedom of Information Act request of April 5, 2003 was forwarded to the criminal division for review and response, a copy of which is attached hereto as Exhibit "F".

8. On January 5, 2004, Petitioner received correspondence from Richard L. Huff, Co-Director, United States Department of Justice, Office of Information and Privacy, indicating that the agency was unable to determine from Petitioner's letter what action the Petitioner was appealing. Apparently, Petitioner Carter furnished a letter indicating his dissatisfaction with the "cat and mouse" game being encountered from Respondents, a copy of which is attached hereto as Exhibit "G".

9. On January 13, 2004, Petitioner received correspondence

from Thomas J. McIntyre, Chief, Freedom of Information/ Privacy Act Unit, Office of Enforcement Operations, Criminal Division, indicating that the Petitioner's Freedom of Information Act Request received by the office would be assigned file number 200400020P, a copy of which is attached hereto as Exhibit "H".

10. On January 30, 2004, Petitioner received correspondence from Thomas J. McIntyre, Chief, Freedom of Information/Privacy Act Unit, indicating that the agency did not find any criminal division records pertaining to the Petitioner, a copy of which is duly attached hereto as Exhibit "I".

11. On January 12, 2004, Petitioner finally received a memorandum from Respondents with sense, from Marie A. O'Rourke, Assistant Director, United States Department of Justice, Executive Office for United States Attorneys, Freedom of Information/Privacy Act Unit, indicating that Petitioner's request for records under the Freedom of Information Act/Privacy Act has been processed and denied partially.

The memorandum further indicated that a review of the material found pertaining to the Petitioner consisted of two hundred and eight (208) pages originated with another government component. The memorandum asserted that the 208 pages of records were referred to the Federal Bureau of Investigation for review by the Federal Bureau of Investigation, and directive of a response to the Petitioner, a copy of which is attached hereto as Exhibit "J" respectively.



12. On March 20, 2004, Petitioner submitted a memorandum to Respondents, indicating that Petitioner desired to appeal the partial denial of his Freedom of Information Act request, as all records sought pertained specifically to the Petitioner and no other, which defies withholding, a copy of which is duly attached hereto as Exhibit "K".

13. On April 2, 2004, Petitioner received a memorandum from Priscilla Jones, Administrative Specialist, United States Department of Justice, Office of Information and Privacy, indicating that Petitioner's administrative appeal of March 24, 2004 has been received and assigned appeal number 04-1305, a copy of which is attached hereto as Exhibit "L".

14. As of June 16, 2004, Petitioner Carter has not received one page of the 208 pages the Respondents allege were forwarded to the Federal Bureau of Investigation for direct response to Petitioner Carter thereupon.

15. As such, Petitioner Carter respectfully petitions this Honorable Court for the issuance of a writ of mandamus in compelling the Respondents to produce the 208 pages located in response to Petitioner's Freedom of Information Act request filed with Respondents over a year ago forthwith.

16. Petitioner Carter also seeks monetary damages against the Respondents in compensation of expenses incurred as the result of pursuing this matter through judicial channels.

**VI. ARGUMENT:**

Pursuant to Title 5, United States Code, Section 552, each agency, to include the Respondent Department of Justice, is under obligation to allow and make available for public inspection and copying, agency records. Except with respect to records made available under Title 5, United States Code, Sections 552(a)(1)and(2), and except as provided in subsection 552(E), each agency, to include the Respondent Department of Justice, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly avaiabel to any person so requesting such records.

In responding to a Freedom of Information request, an agency shall make reasonable efforts to search for the records and promptly cause the requester of the records to be provided the records amongst fees being satisfied, etc.

Should an agency fail to comply with Title 5, United States Code, Section 552, a requester is entitled to petition the district court for an order compelling the production of the agency records sought, but unlawfully withheld by the agency.

On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated,

or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant.

In such a case the court shall determine the matter de novo, and may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of the applicable section, and the burden is on the agency to sustain its action.

Any person making a request to any agency for records under paragraphs (1),(2), or (3) of this subsection shall be deemed to have exhausted remedies with respect to such request if the agency fails to comply with the applicable time limit provisions of this paragraph. If the government can show exceptional circumstances exist and that the agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records.

In the instant case sub judice, the Respondent agency, United States Department of Justice, has already notified the Petitioner that 208 pages were located which were responsive to Petitioner's Freedom of Information Act request and not exempt under any of the applicable provisions governing the Freedom of Information Act. However, Respondent United States Department of Justice has

unfortunately railroaded the Petitioner and refused to and moreso failed to respond in compliance to Petitioner's Freedom of Information Act request.

A writ of mandamus is warranted in circumstances such as the instant, where agencies such as the Respondent negligently refuse to comply with the provisions of public policy.

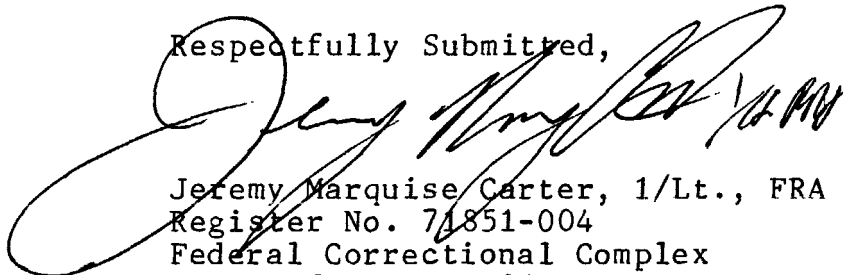
The writ of mandamus is an ancient writ known for its powers in allowing a court discretion to compel a public agency to perform a ministerial duty obligated of that public agency, such as ensuring compliance with the Freedom of Information Act.

Respondent United States Department of Justice should be duly compelled to produce the sought records upon Petitioner Carter in a timely fashion consistent with immediately, and attorney fees on behalf of the Petitioner should also be duly considered by this Honorable Court in the same token.

**VII. CONCLUSION:**

For the reasons set forth in the instant petition sub judice, Petitioner Carter respectfully requests that this Honorable Court issue the sought writ of mandamus against the Respondents to expedite the obligated production of the public records sought by and entitled to Petitioner Carter respectively.

Respectfully Submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Jeremy Marquise Carter', is written over the typed name and address.

Jeremy Marquise Carter, 1/Lt., FRA  
Register No. 74851-004  
Federal Correctional Complex  
Post Office Box 1033  
Coleman, FLorida 33521-1033  
Petitioner, pro se

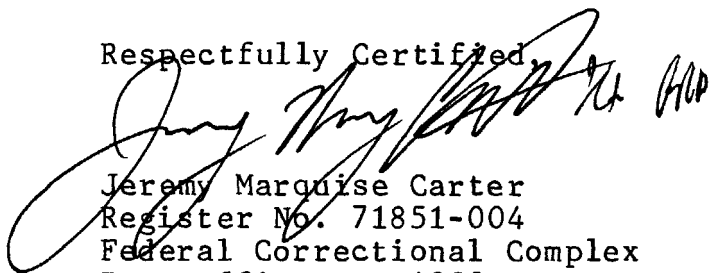
CERTIFICATE OF SERVICE:

I, Jeremy Marquise Carter, Petitioner of the foregoing pleading titled, "PETITIONER'S PETITION FOR WRIT OF MANDAMUS COMPELLING RESPONDENTS TO PRODUCE AGENCY RECORDS IMPROPERLY WITHHELD FROM THE PETITIONER NOTWITHSTANDING VARIOUS/NUMEROUS FREEDOM OF INFORMATION REQUESTS", hereby certify that a true and correct copy of the foregoing was furnished upon the following interested parties this 18<sup>th</sup> day of June 2004 by United States Mail, postage pre-paid sufficiently:

United States Department of Justice  
Executive Office for United States Attorneys  
Freedom of Information/Privacy Act Unit  
600 E Street, Northwest, Room 7300  
Washington, D.C. 20530

United States Department of Justice  
Federal Bureau of Investigation  
Washington, D.C. 20535

Respectfully Certified,

  
Jeremy Marquise Carter  
Register No. 71851-004  
Federal Correctional Complex  
Post Office Box 1033  
Coleman, Florida 33521-1033  
Petitioner, pro se

Page 1 of 4 FOIA

7000 1670 0011 8580 9586

FROM: (REQUESTER)

1/Lt. Jeremy Marquise Carter, F.R.A.  
4930 Northwest 13th Street  
Lauderhill, Florida 33313  
(954) 829-5133  
(954) 484-5341

PLEASE DIRECT RESPONSE TO:

Jeremy Marquise Carter  
Register No.: 71851-004  
Federal Correctional Complex  
Post Office Box 1033  
Coleman, Florida 33521-1033

TO: (AGENCY)

United States Attorney's Office  
c/o Jennifer Prior  
~~701 Clematis Street~~  
West Palm Beach, Florida 33401

500 South Australian Avenue  
Suite 400

IDENTIFICATION OF REQUESTER:

Name: Jeremy Marquise Carter  
Alias: Lieutenant Jeremy M. Carter  
Date of Birth: October 24, 1978  
Place of Birth, Ft. Lauderdale, FL  
Soc. Sec. No.: 589-20-0558  
Florida D.O.C. No.: 0-196763  
F.B.I. No.: (confidential)

RE: FREEDOM OF INFORMATION ACT

(U.S.C. 552), PRIVACY ACT  
(5 U.S.C. 552a(D)(1) REQUEST  
EXEMPTIONS; (5 U.S.C.(6)(C)(B)(7)  
GENERAL; (U.S.C. 552a(J)(2)  
SPECIFIC; (U.S.C. 552a (K)(2)

RIGHT THUMB PRINT LEFT THUMB PRINT

RT

LT

To whom it may concern Respectfully:

This letter will serve as my request, pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 52), and the applicable State Statutes governing Freedom of Information Requests, if state agency request, for full disclosure and release of all records and/or data contained in the files of your agency, and specifically under my name and/or an identifier assigned to my name.

It is further requested that your agency, in response to the material requested, specifically inform me, if and to whom the file and/or any material therein contained has been released to any identifiable agency or individual, their name, title, purpose, and need for such information, the date of such release, the specific materials that were released, the person within your Agency who released such information, and the specific reference to authority, statute, or regulation governing such release.  
( 5 U.S.C. 52a (d) (1) @ 410 U.S. 614, 93 S.Ct. 1146

This request is made under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a) together with the "alternate means of access", to permit access to records on file with your Agency.

If and for any reason it is determined that portions of the material and records sought is exempt by statute (5 U.S.C. (6)(c)(6)(7), 552a(j)(2)(k)(2) or by regulation 446 F.Supp. 102, I request specific citation to authority for such deletion.

If it should be determined that any material be deemed CONFIDENTIAL due to identification of source, the permission is granted to Agency to delete source identification ONLY FROM the material for release 510 F.2d 1232.

I further agree to pay any reasonable costs, or file IN FORMA PAUPERIS, if I am indigent, provided by statute or regulation of your agency, for search and copying of the material requested.

Pursuant to Title 5 U.S.C. 552(6)(1)(i), it is noted that your Agency has ten (10) working days following receipt of this formal request to provide the information and material requested. Should any delay occur, it is requested that your Agency inform me of this delay as provided by Agency regulations, and the date as to when your Agency will be able to act upon said request.

The requested information and material sought within the provisions of this Freedom of Information Request is as follows therein the attached next page, citing page 3 of 4, respectfully.



Page 3 of 4 FOIA

SPECIFIC MATERIALS AND/OR INFORMATION REQUESTED PURSUANT TO THIS FREEDOM OF INFORMATION ACT ARE AS FOLLOWS, IN ORDER OF SENSITIVE IMPORTANCE:

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1. Requesting copy of DISCOVERY; to include:
  - \* copy of all investigative reports from FBI and local departments
  - \* copy of crime scene reports detailing items seized from vehicle and fingerprinted by crime scene technicians.
  - \* copy of statements of parties involved
  - \* copy of FBI report to wit; interview with victims.
2. Requesting copy of photographic exhibits; to include:
  - \* copy of photographic exhibits of vehicle involved
  - \* copy of photographic exhibits of bank's exterior/interior
  - \* copy of photographic exhibits of documents seized
  - \* copy of handwriting exemplars taken from Defendant
3. Requesting copy of SEARCH WARRANT AND AFFIDAVIT FOR WARRANT
4. Requesting copy of confession made by Jerrod Wright in regards to state case, case # 96-6495CF-10A, brought out to counsel during the trial of this cause from the Broward County Courts.
5. Requesting copy of rough notes taken by FBI Agent during post-arrest interview with Defendant.
6. Requesting copy of inventory list of seized items and detailing location items seized were located upon seizure.
7. Requesting copy of all motions filed on behalf of Defendant.

In advance, please allow me to thank you for your time and assistance towards this request. In addition, please be advised that your assistance is greatly appreciated, in the highest esteem of colleagues.

Respectfully Submitted this day,

April 5, 2003

Dated:

1st Lt. Jeremy Marquise Carter  
1/Lt. Jeremy Marquise Carter, F.R.A.

VERIFICATION

\*\*\*\*\*

State of Florida //  
County of Sumter //  
City of Coleman //

**Notice:** This Freedom of Information Act Request also stands to render formal authorization of this Agency, to release requested materials, documents, and information to the following individuals:  
[Sonya Lee Houston & Lorraine Elaine Smith]

Jeremy Marquise Carter, first being duly sworn, deposes and says that he is the affiant requester herein, that he has read and initiated the foregoing request for information and release submitted to United States Attorney and knows the contents thereof; that the personal identification data submitted for this request is true and correct, and verifiable fingerprint identification is submitted as well.

Jeremy Marquise Carter  
Jeremy Marquise Carter, Requester

Hereby sworn to under the penalties of perjury this day of requesting:

Jeremy Marquise Carter  
Jeremy Marquise Carter, Requester

1st Lt. Jeremy Marquise Carter  
1st Lieutenant Jeremy Marquise Carter

**U.S. Department of Justice**  
*United States Attorney*

*Southern District of Florida*

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99 N.E. 4 Street, Suite 800  
Miami, Florida 33132-2111

May 22, 2003

Jeremy Marquise Carter  
Register No. 71851-004  
Federal Correctional Complex  
P.O. Box 1033  
Coleman, Florida 33521-1033

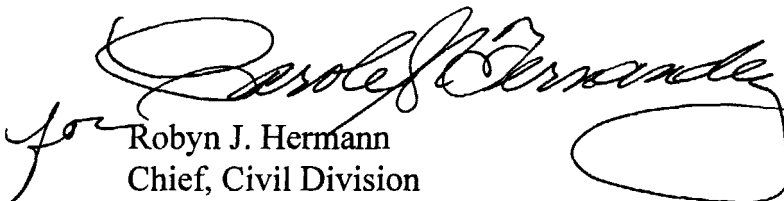
RE: Freedom of Information Act Request  
Your Letter Dated April 5, 2003

Dear Mr. Carter:

The subject correspondence was received in the Civil Division of this office on May 19, 2003. Your request is being treated as a request for records under the Freedom of Information/Privacy Act. We are forwarding your request for processing to the FOIA/PA Unit, Executive Office for United States Attorneys, Bicentennial Building, Room 7100, 600 E Street, N.W., Washington, DC 20530.

Very truly yours,

MARCOS DANIEL JIMÉNEZ  
UNITED STATES ATTORNEY

  
for Robyn J. Hermann  
Chief, Civil Division

cc: FOIA/PA Unit  
Washington, D.C.

RJH:pp



## U.S. Department of Justice

Executive Office for United States Attorneys  
Freedom of Information/Privacy Act Unit  
600 E Street, N.W., Room 7300  
Washington, D.C. 20530  
202-616-6757 Fax 202-616-6478

Request Number: 03-1788

JUN 20 2004

Subject: SelfRequester: Jeremy M. Carter

Dear Requester:

The Executive Office for United States Attorneys (EOUSA) has received your Freedom of Information Act/Privacy Act (FOIA/PA) request. It has been assigned the above number. Please give us this number if you write about your request. If we need additional information, we will contact you within two weeks.

Your request will be placed in the order in which it was received for processing, unless it is a very large request (Project Request). Then, it will be placed in a separate group of Project Requests, which are also processed in the order received.

EOUSA makes every effort to process most requests within a month (20 working days). There are some exceptions, for example, Project Requests take approximately nine months to process. Requests for "all information about myself in criminal case files" are Project Requests. If you have made such a request, you may either write us and narrow your request for specific items, or we will consider that you have agreed to a due date of nine months from the date of this letter.

By making a FOIA/PA request, you have agreed to pay fees up to \$25, as stated in 28 CFR §16.3(c), unless you have requested a fee waiver. Please note that pursuant to 28 C.F.R. 16.11, we are required to charge fees for time used to search for the documents you have requested and for duplication of all pages released to you. Normally, search time is charged at a rate of \$28 per hour after the first two hours which are free, and duplication fees are \$0.10 per page after the first 100 pages which are free. Please do not send any payment at this time! If we anticipate that fees will exceed \$25 or the amount you have stated in your letter (if greater than \$25), we will normally notify you of our estimate of fees. After we have received your agreement to pay for the expected fees (or you have narrowed your request to reduce fees) and we have processed your request, we will require payment for the accumulated charges before we release documents to you. Without such payment, your request file will be closed without further action.

Sincerely,

Marie A. O'Rourke  
Assistant Director  
FOIA/PA Unit

Please note: Your request letter used standard language ("boilerplate") asking for all the records on yourself. You also personally listed specific records that you would like to receive. We have interpreted your request as one for the specific records only. If you wish us to search for all the records on yourself, please notify us immediately and we will broaden our search. We are proceeding with our search in the district(s) you requested.



**U.S. Department of Justice**

Office of Legal Counsel

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*Washington, D C. 20530*

September 4, 2003

Jeremy Marquise Carter  
No. 71851-004  
P.O. Box 1033  
Coleman, FL 33521-1033

Dear Mr. Carter:

This responds to your Freedom of Information Act request dated April 5, 2003. We have searched the files of the Office of Legal Counsel and have found no documents within the scope of your request. We are referring your request to the Criminal Division where the documents you requested may be located. We are directing the referral to Thomas MacIntyre, Chief, FOIA/PA Branch, Criminal Division.

If you consider my response to be a denial of this request, you may appeal by writing to the Co-Director, Office of Information and Privacy, United States Department of Justice, Washington, D.C. 20530, within 60 days from the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink, reading "Paul P. Colborn".

Paul P. Colborn  
Special Counsel  
Office of Legal Counsel



**U. S. Department of Justice**

**Criminal Division**

*Washington, D.C. 20530*

CRM-200301229P

NOV 4 2003

Jeremy Carter  
#71851-004  
Federal Correctional Complex  
Post Office Box 1033  
Coleman, FL 33521

Dear Mr. Carter:

This will acknowledge receipt of your letter of April 05, 2003, requesting records relating to you.

We were unable to search for the records you requested because you have not furnished the following item(s) in compliance with 28 C.F.R. 16.41.

- [ ] Certification of Identification Form. Notarized signature or Declaration pursuant to 28 U.S.C. Section 1746.
- [X] Privacy Act Identification and Request Form. This form is requested because our experience indicates that many persons throughout the country have the same or similar names.
- [X] **CURRENT** Descriptive List of Systems of Records Maintained by the Criminal Division. Please review this list and indicate which systems you wished searched.

A copy of each requested form is enclosed.

We are closing out this request. Upon receipt of the completed form(s), we will assign a new number to your request and process it. Please return the requested form(s) to:


Thomas J. McIntyre, Chief  
FOIA/PA Unit, Criminal Division  
DOJ, Keeney Building, Suite 1127  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530.

If you treat this response as a denial, you have a right to an administrative appeal. The appeal should be in writing and addressed to: Assistant Attorney General, Office of Legal Policy (Attention:

Office of Information and Privacy) United States Department of Justice, Washington, D.C. 20530. The envelope and letter should be clearly marked, "FOIA/PA Appeal". If you exercise this right and your appeal is denied, you also have the right to seek judicial review of this action in the federal judicial district (1) in which you reside, (2) in which you have your principal place of business, (3) in which the records denied are located, or (4) for the District of Columbia.

Sincerely,



Thomas J. McIntyre, Chief   
Freedom of Information Act/Privacy Act Unit  
Office of Enforcement Operations  
Criminal Division





**U.S. Department of Justice**

Criminal Division

*Office of Enforcement Operations*

*Washington, D.C. 20530*

CRM-200301230F

NOV 17 2003

Mr. Jeremy Marquise Carter  
Reg. No. 71851-004  
Federal Correctional Complex  
P.O. Box 1033  
Coleman, FL 33521-1033

Dear Mr. Carter:

The Office of Legal Counsel has referred your request of April 5, 2003 to the Criminal Division for our review and response to you. Your request has been assigned file number 200301230F. Please refer to this number in any future correspondence with this Unit.

We will conduct a search to determine what records (if any) we have that are within the scope of your request. Once we have completed our search, we will notify you as to our disposition of your request. Please note that this search will encompass only Criminal Division records.

If you have any questions regarding the status of this request, you may contact Denise Kennedy on (202) 616-0307.

Sincerely,

*Thomas J. McIntyre*  
*by KMF*

Thomas J. McIntyre, Chief  
Freedom of Information/Privacy Act Unit



**U.S. Department of Justice**

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

JAN - 5 2004

Mr. Jeremy M. Carter  
Register No. 71851-004  
Federal Correctional Complex  
Post Office Box 1033  
Coleman, FL 33521-1033

Dear Mr. Carter:

This responds to your letter dated November 7, 2003, addressed to this Office.

We are unable to determine from your letter what action you are appealing. Accordingly, please send to us copies of any pertinent prior correspondence you have -- such as your initial request for access to records of the Department of Justice, the denial of access to those records, or any other relevant information about your request. Until we receive this information, we cannot act on your appeal.

Your cooperation in this matter is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard L. Huff", written over a horizontal line.

Richard L. Huff  
Co-Director

RLH:PAJ:TIT



U.S. Department of Justice

Criminal Division

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Washington, D.C. 20530

CRM-200400020P

**JAN 13 2004**

Mr. Jeremy Marquise Carter  
Reg. No. 71851-004  
Federal Correctional Complex  
Post Office Box 1033  
Coleman, FL 33521-1033

Dear Mr. Carter:

This will acknowledge receipt of your Privacy Act request dated November 7, 2003, for Criminal Division records concerning you. Your request has been assigned file number 200400020P. Please refer to this number in any future correspondence with this Unit.

We will search the appropriate records system(s) and will respond to you further after we complete our searches. If you have any questions regarding the status of this request, you may contact Denise Kennedy on 202-616-0307.

Sincerely,

A handwritten signature in cursive script, reading "Thomas J. McIntyre", is positioned above the typed name.

Thomas J. McIntyre, Chief *JSS*  
Freedom of Information/Privacy Act Unit  
Office of Enforcement Operations  
Criminal Division



U.S. Department of Justice

Criminal Division

Office of Enforcement Operations

Washington, D.C. 20530

CRM-200400020P

JAN 30 2004

Mr. Jeremy Marquise Carter  
Reg. No. 71851-004  
Federal Correctional Complex  
P.O. Box 1033  
Coleman, FL 33521-1033

Dear Mr. Carter:

This is in response to your request of November 7, 2003, pursuant to the Privacy Act, for access to records concerning you.

We did not find any Criminal Division records pertaining to you in our search of the indexes for the Criminal Division systems you designated.

If you consider this response to be a denial of your request, you have a right to an administrative appeal of this determination. Department regulations provide that such appeals must be filed within sixty days of your receipt of this letter. 28 C.F.R. 16.45. Your appeal should be addressed to: Co-Director, Office of Information and Privacy, Flag Building, Suite 570, United States Department of Justice, Washington, D.C. 20530. Both the envelope and the letter should be clearly marked with the legend "FOIA Appeal." If you exercise this right and your appeal is denied, you also have the right to seek judicial review of this action in the federal judicial district (1) in which you reside, (2) in which you have your principal place of business, (3) in which the records denied are located, or (4) for the District of Columbia. If you elect to file an appeal, please include, in your letter to the Office of Information and Privacy, the Criminal Division file number that appears above your name in this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas J. McIntyre".

Thomas J. McIntyre, Chief  
Freedom of Information/Privacy Act Unit



U.S. Department of Justice

Executive Office for United States Attorneys  
Freedom of Information/Privacy Act Unit  
600 E Street, N.W., Room 7300  
Washington, D.C. 20530  
202-616-6757 Fax 202-616-6478

JAN 12 2004

Requester: Jeremy M. Carter Request Number: 03-1788

Subject of Request: Self

Dear Requester:

Your request for records under the Freedom of Information Act/Privacy Act has been processed. This letter constitutes a reply from the Executive Office for United States Attorneys, the official record-keeper for all records located in this office and the various United States Attorneys' Offices.

To provide you the greatest degree of access authorized by the Freedom of Information Act and the Privacy Act, we have considered your request in light of the provisions of both statutes.

The records you seek are located in a Privacy Act system of records that, in accordance with regulations promulgated by the Attorney General, is exempt from the access provisions of the Privacy Act. 28 C.F.R. §16.81. We have also processed your request under the Freedom of Information Act and are making all records required to be released, or considered appropriate for release as a matter of discretion, available to you. This letter is a ☒ partial ☐ full denial.

Enclosed please find:

\_\_\_\_\_ page(s) are being released in full (RIF);  
\_\_\_\_\_ page(s) are being released in part (RIP);  
\_\_\_\_\_ page(s) are withheld in full (WIF). **The withheld documents were reviewed to determine if any information could be segregated for release.**

In addition, this office is withholding \_\_\_\_\_ page(s) of grand jury material which is retained in the District.

The exemption(s) cited for withholding records or portions of records are marked below. An enclosure to this letter explains the exemptions in more detail.

Section 552

Section 552a

<input type="checkbox"/> (b) (1)	<input type="checkbox"/> (b) (4)	<input type="checkbox"/> (b) (7) (B)	<input checked="" type="checkbox"/> (j) (2)
<input type="checkbox"/> (b) (2)	<input type="checkbox"/> (b) (5)	<input type="checkbox"/> (b) (7) (C)	<input type="checkbox"/> (k) (2)
<input type="checkbox"/> (b) (3)	<input type="checkbox"/> (b) (6)	<input type="checkbox"/> (b) (7) (D)	<input type="checkbox"/> (k) (5)
_____	<input type="checkbox"/> (b) (7) (A)	<input type="checkbox"/> (b) (7) (E)	<input type="checkbox"/> _____
		<input type="checkbox"/> (b) (7) (F)	

(Page 1 of 2)

Form No. 021 - 5/01

[ ] A review of the material revealed documents which:

[X] 208 Page(s) originated with another government component. These records were referred to the following component(s) listed for review and direct response to you: Federal Bureau of Investigation.

[X] There are public records which may be obtained from the clerk of the court or this office, upon specific request, subject to a copying fee.

[X] See additional information attached.

[ ] A \$\_\_\_\_\_ copying, \$\_\_\_\_\_ search, and/or \$\_\_\_\_\_ review fee is being assessed for the processing of your request. Please send a certified check or money order for \$\_\_\_\_\_, payable to the Treasury of the United States, within thirty (30) days. Payment should be mailed to the Freedom of Information Act/Privacy Act Unit, 600 E Street, N.W., Room 7300, Washington, D.C. 20530.

This is the final action this office will take concerning your request.

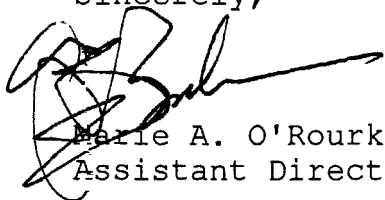
You may appeal my decision to withhold records in this matter by writing within sixty (60) days from the date of this letter, to:

Office of Information and Privacy  
United States Department of Justice  
Flag Building, Suite 570  
Washington, D.C. 20530

Both the envelope and letter of appeal must be clearly marked "Freedom of Information Act/Privacy Act Appeal."

After the appeal has been decided, you may have judicial review by filing a complaint in the United States District Court for the judicial district in which you reside or have your principal place of business; the judicial district in which the requested records are located; or in the District of Columbia.

Sincerely,



Marie A. O'Rourke  
Assistant Director

Enclosure(s)

**Requester: Jeremy M. Carter**  
**FOIA #: 03-1788**

**Continuation Sheet**

All 208 pages of responsive records related to your FOIA request number 03-1788 are referred to the Federal Bureau of Investigation for their review and direct response to you.

EXPLANATION OF EXEMPTIONS

**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by and Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life of physical safety of any individual.
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

**SUBSECTION OF TITLE 5, UNITED STATES CODE, SECTION 552a**

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals, except records of arrest;
- (k)(1) information which is currently and properly classified pursuant to Executive Order 12356 in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability eligibility, or qualification for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held in confidence.



- F.R.A. Administrative Lieutenant -  
- 3rd Division Field Lieutenant -

INTER/OUTER AGENCY MEMORANDUM §§

U>URGENT [ ]>ROUTINE [ ]>FORMAL INQUIRY-PR

Fraternal Division of Organized Affiliates Associate  
IronHorse Executive Association Associate Member  
Tri-Lateral Intelligence Command Field Lieutenant  
Fugitive Recovery Administration Administrative Lieutenant  
Third Division Field Lieutenant of Reconnaissance Unit

Note: > 1/Lt. Carter is currently incarcerated...P.B.A.

PLEASE DIRECT RESPONSE TO:

Jeremy Marquise Carter  
Register No. 71851-004  
Federal Correctional Complex  
Post Office Box 1033  
Coleman, Florida 33521-1033

MEMO TO:> Office of Information and Privacy  
United States Department of Justice  
Flag Building, Suite 570  
Washington, D.C. 20530

DATE:> March 20, 2004

SUBJECT:> FREEDOM OF INFORMATION ACT/PRIVACY ACT APPEAL  
REQUEST NUMBER: 03-1788

This memorandum shall serve as my appeal of the decision of the Executive Office for United States Attorneys in withholding records I have requested. In understanding that the denial of my request was a "partial" denial bears little upon receipt of the records requested, which such decision is followed by a response that the records are being referred to the Federal Bureau of Investigation for review and direct response to me.

Thorough review of my initial Freedom of Information Act Request specifically requests documents which cannot be deemed under exemption statutes; based solely upon the individualization of my criminal case.

Wherefore, I would herein submit the instant memorandum asserting my appeal of the decision to enable convenient judicial exhaustion of this cause within a reasonable period of time in the better interests of all.

Today, I APPEAL, Sayeth More,

1/Lt. Jeremy Marquise Carter

cc:File/FOIA/EOUSA-FBI/App./2004



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

APR - 2 2004

Mr. Jeremy M. Carter  
Register No. 71851-004  
Federal Correctional Complex  
P.O. Box 1033  
Coleman, FL 33521-1033

Re: Request No. CRM200400020P

Dear Mr. Carter:

This is to advise you that your administrative appeal from the action of the Criminal Division on your request for information from the files of the Department of Justice was received by this Office on March 24, 2004.

The Office of Information and Privacy, which has the responsibility of adjudicating such appeals, has a substantial backlog of pending appeals received prior to yours. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number **04-1305**. Please mention this number in any future correspondence to this Office regarding this matter.

We will notify you of the decision on your appeal as soon as we can. The necessity of this delay is regretted and your continuing courtesy is appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Priscilla Jones".

Priscilla Jones  
Administrative Specialist